

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ANTHONY REDMOND,)	
)	
Plaintiff,)	
)	
vs.)	
)	Case No. 09-cv-606-JPG-PMF
JOHN EVANS, et al,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

FRAZIER, Magistrate Judge:

Before the Court is a sua sponte recommendation of dismissal without prejudice for lack of timely service of process. Plaintiff Anthony Redmond filed this action pursuant to 42 U.S.C. § 1983, challenging the conditions experienced during his confinement at Big Muddy Correctional Center. On March 11, 2010, some aspects of Redmond's case were dismissed following screening pursuant to 28 U.S.C. § 1915A. Redmond was allowed to proceed on claims against the following defendants:

John Evans
John Hiloaoid
John Peyton
John Doe
Deborah J. Isaacs
Jane Nancey

He was instructed to complete and return USM-285 forms to facilitate service of process (Doc. No. 7). The forms were forwarded to plaintiff in March, 2010. Because completed forms have not been received, the defendants listed above have not been served.

Rule 4(m) of the Federal Rules of Civil Procedure provides that, if service is not made within 120 days, the court shall dismiss without prejudice as to that defendant or direct that service be effected within a specified time, provided that if there is a showing of good cause, the time for service shall be extended for an appropriate period. Fed. R. Civ. P. 4(m).

An order directing plaintiff to show good cause was entered on January 10, 2011 (Doc. No. 10). A response is not on file. Redmond was advised that the absence of a timely response would result in dismissal without prejudice.

IT IS RECOMMENDED that plaintiff's remaining claims against defendants Evans, Hiloaoid, Peyton, Doe, Isaacs, and Nancey be DISMISSED without prejudice for lack of timely service of process.

SUBMITTED: February 3, 2011 .

S/Philip M. Frazier
PHILIP M. FRAZIER
UNITED STATES MAGISTRATE JUDGE